



City Manager's Office
City of Frisco, Texas

Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

Cc: George Purefoy, City Manager

From: Henry J. Hill Deputy City Manager
Gary R. Hartwell, Director of Public Works

Date: April 16, 2009

Agenda Caption: Consider and act upon a resolution authorizing the City Manager execute the Agreed Order for enforcement with the Texas Commission on Environmental Quality (TCEQ) in the matter of the sewer leak of December, 2008. (CMO- HJH)

Action Requested: City Council approval of a resolution authorizing the City Manager to execute the Agreed Order for enforcement with the Texas Commission on Environmental Quality (TCEQ). This is in settlement of the sewer leak which occurred at the end of December, 2008.

Background Information: As Council will recall, the Public Works Staff was contacted by the staff of the North Texas Municipal Water District (NTMWD) on December 15, 2008 about a possible loss of flow from the Stewart Creek West wastewater treatment plant. After a search of the lines, the sewer main break was located and repaired on December 29, 2008. The leak discharged sewage into Stewart Creek for about 14 days and was initially estimated to be about 9 million gallons (mg).

Upon discovering the leak, Staff made immediate repairs. The leak resulted from an improper repair of damage to the line that apparently occurred at the time the southbound service lane for the Dallas North Tollway was constructed. The City was not previously aware of the damage or the improper repair.

Staff followed all TCEQ reporting procedures and made initial contact with TCEQ on the day the leak was located. The TCEQ visited the site on the following day and provided us with their findings of fact on January 28, 2009. We responded by letter, dated February 10, 2009, to the TCEQ notice of violation. We then received a proposed Agreed Order from the TCEQ for settlement on March 3, 2009.

The city's legal council on environmental matters Art Rodriguez of Russell & Rodriguez has work with TCEQ on the final Agreed Order. That order stipulates the facts regarding the leak and assesses a penalty of \$3,750. The Agreed Order from TCEQ does not reference the possible 14 days of sewage discharge and only estimated the total flow to be 200,000 gallons (essentially the amount resulting from the repair activities). Since there was no significant or noticeable damage to the environment, TCEQ has reduced this event to just a minor violation. TCEQ also noted the prompt repair by the City.

Alternatives: The City Council could choose:

- Approve the Resolution
- Deny the Resolution
- Approve the Resolution with modifications; or
- Table for further review.

Financial Considerations: The \$3,750 cost of the enforcement action.

Legal Review: The City's firm of Russell & Rodriguez has reviewed the proposed action and recommends the City's approval.

Supporting Documents:

- TCEQ Report and City Response
- Agreed Order

Staff Recommendation: Recommend approval.